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Cases and Opinions on International Law. By FREEMAN SNOW.
Pp. xl and 586. Boston: The Boston Book Company. 1893.

Within the last twenty years a revolution has been effected in the methods of instruction in many of our best schools of law, through the introduction of the case system, displacing to a greater or less extent the old-fashioned method of textbook and lectures. It may, perhaps, well be doubted whether the science of International Law has as yet established itself with sufficient authority and precision to render it possible to make use of adjudicated cases to anything like the same degree as is both possible and advisable in the study of the common law. Before tribunals dealing with questions arising under International Law text-writers still command a respect and weight no longer accorded them in other courts to an equal degree, at least in English-speaking countries. And yet, in England and the United States at any rate, where precedent counts for so much in legal decisions, it seems as if the tendency might be toward rendering International Law more and more nearly, though perhaps never completely, a system of case law. But at all events decided cases already have a large influence in determining the decision on new cases, and the student and lawyer alike owe a large debt of gratitude to Dr. Snow for bringing together into one volume more than two hundred cases and opinions, many of which are otherwise scarcely accessible, except in reports, series and collections seldom found outside of the large libraries. It is a special merit of the book that the exact language of the judges is given, for the most careful summaries often fail to convey the precise shades of meaning contained in the original decision; the great value of this plan may be seen in such leading cases as *Queen vs. Keyn* (pp. 55-71), "*Exchange*" *vs.* *McFadden* (pp. 103-113), and many others. An appendix contains the various authoritative declarations, instructions, etc., relating to the laws of war, as well as an account of the *Behring Sea* arbitration and decision of 1893. Moreover, teachers especially will appreciate the syllabus of references to authorities on nearly two hundred topics in International Law. We bespeak for Dr. Snow's volume a generous reception as a work of reference and, wherever practicable, as a book to be put into the hands of each member of a class for use in connection with text-writers.

C. F. A. CURRIER.

The Science of International Law. By THOMAS ALFRED WALKER,
M. A. Pp. 544. London: C. J. Clay & Sons. 1893.

There is much in this work which will merit careful examination. Its main position, and one which lends a peculiar flavor to the whole work, is the assertion that international law is a science and not a

mere body of practical rules by which nations have agreed to regulate their intercourse with one another. Several chapters are devoted to a refutation of the Austinian doctrine that law is the "command" of a sovereign to subjects who are bound to obey. Such a definition of law, it will be seen, precludes any possibility of a conception of international "law" at all, since there is no common sovereign. This is a proposition standing at the basis of the whole science, but in order that we may accept it as a legal one, the element of "command" in law must be shown to be non-essential. The refutation of this idea, herein contained, is threefold in character; first, "that custom precedes law and the judge the law-giver;" second, on philological grounds that *jus* is not the "*jussum*," law is not "that which is commanded;" third, the objection of common usage. The discussion is valuable and the points seem to be well taken. It cannot, however, be classed as easy reading, and the multiplicity of capital letters, italics and quotation marks does not tend to facilitate matters.

As to the subject proper, there is evidence of considerable original investigation, and there are copious notes and references. The treatment of some subjects is particularly full. For instance, on the Behring Sea dispute there is an extended discussion of the points at issue. It is much to be regretted that the recent decision of the Paris arbitrators could not have been included, for it would have given us one of the fullest discussions of the subject. In places the style becomes slightly heated, as for example, when a paragraph is concluded with the statement that the negotiations were "in the interests of a trading monopoly and a certain four per cent," adding that "consistency is in politics a doubtful virtue, but honesty has yet its charm." In places there might be some question with regard to the arrangement, as when the right of search and impressment with its incident outrages is discussed under the head of "neglect of international courtesy." But the tone is candid and fair, whatever may be said as to the arrangement. The book is one which is more suitable for reference and for the use of advanced students than for beginners. Parts of it are scrappy; other sections are argumentative, and still others are mainly valuable for their suggestiveness rather than for their conclusions. Every well-chosen library of international law should nevertheless contain a copy of the work. It shows evidence of trained research; and although it cannot be compared with Hall's "International Law" as a standard work, it may yet be used with profit as a supplement to it, particularly in its earlier chapters on the History and Nature of the Science.

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